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Student Rights Statement.

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This statement of student rights summarizes Monterey Peninsula College policy regarding classroom conduct, student records, student affairs, off-campus freedom, and discipline procedures. It was adapted from the text of the "Joint Statement on Student Rights, Freedom." The types of misconduct for which students are subject to college discipline are included to clarify the standards of behavior Monterey Peninsula College considers essential to its educational mission and its community life. The policies and procedures described in this statement are intended for institutional use within the limits of the laws of the wider society. (MC)

U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
OFFICE OF EDUCATION

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STUDENT RIGHTS STATEMENT
Monterey Peninsula College

Monterey Peninsula College exists for the transmission of knowledge, the pursuit of truth, the development of students, and the general well-being of society. Free inquiry and free expression are indispensable to the attainment of these goals. As members of the academic community, students are encouraged to develop the capacity for critical judgment and to engage in a sustained and independent search for truth.

Freedom to teach and freedom to learn are inseparable facets of academic freedom. The freedom to learn depends upon appropriate opportunities and conditions in the classroom, on the campus, and in the larger community. Students should exercise their freedom with responsibility.

The responsibility to secure and to respect general conditions conducive to the freedom to learn is shared by all members of the academic community. Monterey Peninsula College has a duty to develop policies and procedures which provide and safeguard this freedom. The purpose of this statement is to enumerate the essential provisions for student freedom to learn. The policies and procedures as set forth in this statement are for institutional use but cannot be separated from the laws of the wider society; therefore, everything stated herein must be considered within the limits of the law.

I. IN THE CLASSROOM

The professor, in the classroom and in conference, will encourage free discussion, inquiry, and expression. Student performance will be evaluated solely on an academic basis, not on opinions or conduct in matters unrelated to academic standards.

A. Protection of Freedom of Expression.

Students are free to take reasoned exception to the data or views offered in any course of study and to reserve judgment about matters of opinion, but they are responsible for learning the content of any course of study for which they are enrolled.

B. Protection Against Improper Academic Evaluation

Students have protection through orderly procedures against prejudiced or capricious academic evaluation. At the same time, students are responsible for maintaining standards of academic performance established for each course in which they are enrolled. Standards relating to matters of class attendance, punctuality, dress, and other similar classroom requirements, where essential in evaluation, should be clearly communicated by the instructors to the students enrolled in the courses where they apply.

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C. Protection Against Improper Disclosure

Information about student views, beliefs, and political associations which professors acquire in the course of their work as instructors, advisers, and counselors is considered confidential. Protection against improper disclosure is a serious professional obligation. Judgments of ability and character may be provided under appropriate circumstances, normally with the knowledge or consent of the student.

II. STUDENT RECORDS

Monterey Peninsula College has a policy as to the information which should be part of a student's permanent educational record and as to the conditions of its disclosure.

Transcripts of academic records will contain only information about academic status. Information from disciplinary or counseling files will not be available to unauthorized persons without the express consent of the student involved except under legal compulsion. No records will be kept which reflect the political activities or beliefs of students.

Administrative staff and faculty members should respect confidential information about students which they acquire in the course of their work.

III. STUDENT AFFAIRS

In student affairs, certain standards must be maintained if the freedom of students is to be preserved.

A. Freedom of Association.

Students bring to the campus a variety of interests previously acquired and develop many new interests as members of the academic community. Students are free to organize and join associations to promote their common interests.

1. The membership, policies, and actions of a student organization will be determined by vote of only those persons who hold bona fide membership in Monterey Peninsula College.

2. Affiliation with an extramural organization will not disqualify a student organization from institutional recognition.

3. Campus advisers are strongly recommended; each organization is free to choose its own adviser. Institutional recognition will not be withheld or withdrawn solely because of the inability of a student organization to secure an adviser. Campus advisers may advise organizations in the exercise of responsibility, but they will not have the authority to control the policies or legal activities of such organizations.

4. Student organizations are required to submit a statement of purpose, criteria for membership, rules of procedures, and a current list of officers. They will not be required to submit a membership list as a condition of institutional recognition.

5. Campus organizations, including those affiliated with an extramural organization, are open to all Monterey Peninsula College students without respect to race, creed, or national origin.

B. Freedom of Inquiry and Expression.

1. Students and student organizations should be free to examine and to discuss all questions of interest to them and to express opinions publicly and privately. They should always be free to support causes by orderly means which do not disrupt the regular and

essential operation of the institution. At the same time, it should be made clear to the academic and the larger community that in their public expressions or demonstrations students or student organizations speak only for themselves.

2. Students should be allowed to invite and to hear any person of their own choosing. Those routine procedures required by an institution before a guest speaker is invited to appear on campus should be designed only to insure that there is orderly scheduling of facilities and adequate preparation for the event, and that the occasion is conducted in a manner appropriate to an academic community. The institutional control of campus facilities should not be used as a device of censorship. It should be made clear to the academic and larger community that sponsorship of guest speakers does not necessarily imply approval or endorsement of the views expressed, either by the sponsoring group or the institution. (Note: Refer to Forum and Lecture Series Policy adopted by Board of Trustees on December 15, 1965.)

C. Student Participation in Institutional Government.

As constituents of the academic community, students should be free, individually and collectively, to express their views on issues of institutional policy and on matters of general interest to the student body. The student body should have clearly defined means to participate in the formulation and application of institutional policy affecting academic and student affairs. The role of the student government and both of its general and specific responsibilities should be made explicit, and the actions of the student government within the areas of its jurisdiction should be reviewed only through orderly and prescribed procedures.

D. Student Publications.

Student publications and the student press are a valuable aid in establishing and maintaining an atmosphere of free and responsible discussion and of intellectual exploration on the campus. They are a means of bringing student concerns to the attention of the faculty and the institutional authorities and of formulating student opinion on various issues on the campus and in the world at large.

Whenever possible, the student newspaper should be an independent corporation financially and legally separate from the academic community. Where financial and legal autonomy is not possible, Monterey Peninsula College, as the publisher of student publications, bears the legal responsibility for the contents of the publications. In the delegation of editorial responsibility to students, Monterey Peninsula College provides sufficient editorial freedom and financial autonomy for the student publications to maintain their integrity of purpose as vehicles for free inquiry and free expression in an academic community.

Authorities, in consultation with students and faculty, have provided written clarification of the role of the student publications, the standards to be used in their evaluation, and the limitations on external control of their operation. At the same time, the editorial freedom of student editors and managers entails corollary responsibilities to be governed by the canons of responsible journalism, such as the avoidance of libel, indecency, undocumented allegations, attacks on personal integrity, and the techniques

of harassment and innuendo. As safeguards for the editorial freedom of student publications the following provisions are necessary:

1. The student press is free of censorship and advance approval of copy, and its editors and managers are free to develop their own editorial policies and news coverage.

2. Editors and managers of student publications are protected from arbitrary suspension and removal because of student, faculty, administrative, or public disapproval of editorial policy or content. Only for proper and stated causes should editors and managers be subject to removal and then by orderly and prescribed procedures. The agency responsible for the appointment of editors and managers should be the agency responsible for their removal. In the absence of an appointing agency, the regular hearing procedures as outlined in V, Item D, of this statement should be utilized in the removal of an editor or manager. If such an agency does exist, the orderly and prescribed procedures for removal must be stated in writing and submitted to the Student-Faculty Hearing Committee (as outlined in V, Item D) for approval.

3. All Monterey Peninsula College published and financed student publications explicitly state on the editorial page that the opinions there expressed are not necessarily those of the college or student body.

IV. OFF-CAMPUS FREEDOM

A. Exercise of Rights of Citizenship.

College students are both citizens and members of the academic community. As citizens, students enjoy the same freedom of speech, peaceful assembly, and right of petition that other citizens enjoy and, as members of the academic community, they are subject to the obligations which accrue to them by virtue of this membership. Faculty members and administrative officials insure that institutional powers are not employed to inhibit such intellectual and personal development of students as is often promoted by their exercise of the rights of citizenship both on and off campus.

B. Institutional Authority and Civil Penalties.

Activities of students may upon occasion result in violation of law. In such cases, Monterey Peninsula College officials should be prepared to apprise students of sources of legal counsel and may offer other assistance. Students who violate the law may incur penalties prescribed by civil authorities, but institutional authority should never be used merely to duplicate the function of general laws.

The student who incidentally violates institutional regulations in the course of his off-campus activity, such as those relating to class attendance, is subject to no greater penalty than would normally be imposed. Institutional action is independent of community pressure.

V. DISCIPLINE

In developing responsible student conduct, disciplinary proceedings play a role substantially secondary to example, counseling, guidance, and admonition. At the same time, educational institutions have a duty and the corollary disciplinary powers to protect their educational purpose through the setting of standards of scholarship and conduct for the students who attend them and through the regulation of the use of institutional facilities. In the exceptional circumstances when the preferred means fail to resolve problems of student conduct, those proper procedure safeguards as stated in A, B, C, and D should be observed to protect the student from the unfair imposition of serious penalties.

The administration of discipline should guarantee procedural fairness to an accused student. Practices in disciplinary cases may vary in formality with the gravity of the offense and the sanctions which may be applied.

The jurisdictions of faculty or student judicial bodies, the disciplinary responsibilities of institutional officials and the regular disciplinary procedures, including the student's right to appeal a decision, should be clearly formulated and communicated in advance. Minor penalties may be assessed informally under prescribed procedures.

(Note: The jurisdictions of the faculty and students relevant to disciplinary responsibilities are outlined in the Faculty Handbook.)

In all situations, procedural fair play requires that the student be informed of the nature of the charges against him, that he be given a fair opportunity to refute them, that the institution not be arbitrary in its actions, and that there be provision for appeal of a decision. The following are recommended as proper safeguards in such proceedings when there are no honor codes offering comparable guarantees.

A. Standards of Conduct Expected of Students.

Monterey Peninsula College has an obligation to clarify those standards of behavior which it considers essential to its educational mission and its community life. These general behavioral expectations and the resultant specific regulations will represent a reasonable regulation of student conduct but the student will be as free as possible from imposed limitations that have no direct relevance to his education. At Monterey Peninsula College the standards for behavior are described in the Code of Student Conduct as printed in the El Indicio, and the laws governing student behavior as set forth in the California Education Code.

Offenses will be as clearly defined as possible and interpreted in a manner consistent with the aforementioned principles of relevancy and reasonableness. Disciplinary proceedings will be instituted only for violations of standards of conduct formulated with significant student participation and published in advance through such means as a student handbook or a generally available body of institutional regulations.

B. Investigation of Student Conduct.

1. Except under extreme emergency circumstances, the personal possessions of students will not be searched unless appropriate authorization has been obtained. The application will specify the reasons for the search and the objects or information sought. The student will be present,if possible, during the search. For premises not controlled by the institution, the ordinary requirements for lawful search will be followed.

2. Students detected or arrested in the course of serious violations of ordinary law, should be informed of their rights. No form of harassment will be used by institutional representatives to coerce admissions of guilt or information about conduct of other suspected persons.

C. Status of Student Pending Final Action.

Pending action on the charges, the status of a student will not be altered, or his right to be present on the campus and to attend classes suspended, except for reasons relating to his physical or emotional safety and well-being, or for reasons relating to the physical or emotional safety and well-being of students, faculty, or college property.

D. Student-Faculty Committee Hearing Procedures.

When the misconduct may result in serious penalties and if the student questions the fairness of disciplinary action taken against him, he should be granted, on request, the privilege of a hearing before a regularly constituted hearing committee. The Committee should adhere to the following hearing committee procedures.

1. The hearing committee will include an equal number of faculty and full-time student members. No member of the hearing committee who is otherwise interested in the particular case will sit in judgment during the proceeding.

2. The student will be informed, in writing by certified mail, of the reasons for the proposed disciplinary action with sufficient particularity, and in sufficient time, to insure opportunity to prepare for the hearing.

3. The student appearing before the hearing committee will have the right to be assisted in his defense by an adviser of his choice.

4. The burden of proof will rest upon the officials bringing the charge.

5. The student will be given an opportunity to testify and to present evidence and witnesses. He will have an opportunity to hear and question adverse witnesses. In no case will the committee consider statements against him unless he has been advised of their content and of the names of those who made them, and unless he has been given an opportunity to rebut unfavorable inferences which might otherwise be drawn.

6. All matters upon which the decision may be based must be introduced into evidence at the proceeding before the hearing committee. The decision will be based solely upon such matter. Improperly acquired evidence will not be admitted.

7. In the absence of a transcript, there will be both a digest and a verbatim record, such as a tape recording, of the hearing.

8. The recommendations of the hearing committee will be final subject only to the approval of the president or ultimately to the Monterey Peninsula College governing board. A student has the right to appeal the decision of the Committee to the President or ultimately to the governing board of the institution.

(See Footnote next page.)

[1] Adapted from the Text of Joint Statement on Student Rights, Freedom as prepared by representatives of five educational organizations as follows: Phillip Monypenny, Professor of Political Science, University of Illinois, Chairman; Harry D. Gideonse, Chancellor, New School for Social Research; Edward Schwartz, National Affairs Vice-President, National Student Association; Peter H. Armacost, President, Ottawa University, and former program director, Association of American Colleges; Earle Clifford, University Dean of Student Affairs, Rutgers University; Ann Bromley, Associate Dean of Students, Sante Fe (Fla.) Junior College; Robert Van Waes, Associate Secretary, American Association of University Professors.)

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Approved by: A.S.M.P.C., November 13, 1968
Adopted by Board of Trustees: April 16, 1969

AMENDMENT TO MONTEREY PENINSULA COLLEGE CODE OF STUDENT CONDUCT

The recently proposed Student Rights Statement for Monterey Peninsula College states, "Monterey Peninsula College has an obligation to clarify those standards of behavior which it considers essential to its educational mission and its community life." It also points out, "offenses will be as clearly defined as possible..."

Since the existing Code of Conduct is rather general in nature, it seems essential that the Code be amended to clarify and define more precisely just what kinds of misconduct for which students are subject to discipline. Thus, the items below are offered for consideration. (These are excerpted and adapted from Standards of conduct at the University of California, proposed codes from Student Conduct and Discipline Proceedings in a University Setting published by the New York University School of Law, and the State Education Code.)

The following misconduct for which students are subject to college discipline applies at all times on campus and applies to any off-campus functions sponsored or supervised by the College:

1. Dishonesty, such as cheating, plagiarism, or knowingly furnishing false information to the College;
2. Forgery, alteration, or misuse of College documents, records, or identification;
3. Obstruction or disruption of teaching, research, administration, disciplinary procedures, or other College activities, including its public service functions, or of other authorized activities;
4. Physical abuse of any person or conduct which threatens or endangers the health or safety of any such person;
5. Theft of or damage to property of the College or of a member of the College community or campus visitor;
6. Unauthorized entry to or use of College facilities;
7. Violation of College policies or of campus regulations including campus regulations concerning the registration of student organizations, the use of College facilities, or the time, place, and manner of public expression;
8. Use, possession, or distribution of such drugs as alcohol, narcotics, marijuana or lysergic acid diethylamide (LSD), except as expressly permitted by law.
9. Failure to comply with directions of College officials acting in the performance of their duties;
10. Gambling on College property;
11. Hazing or any act that injures, degrades, or disgraces or tends to injure, degrade, or disgrace any fellow student or person attending the College.

Prepared by: Jack Bessire, Dean of Student Personnel
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Approved by Academic Senate: October 30, 1968
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